

CUTTERS HAVE WON, BUCHANAN'S SKILL.

No Injunction to Prevent Issuing Boycotting Circulars.

"Who Seeks Equity Must Have Clean Hands," Said the Justice.

Manufacturers Gave Notice of Further Motions.

Supreme Court Justice Barrett to-day vacated the temporary injunction restraining the locked-out garment-cutters from issuing boycotting circulars. In doing so he remarked that the two factions are simply at arms' length and are able to take care of themselves.

"It one strikes 'below the belt,'" he said, "it is not within the province of a court of equity to interfere. All that the circular issued by the locked-out men says is an intimation that they will cease to deal with the firms that continue to patronize the Manufacturers Association. It is a question in my mind whether or not such a statement is lawful. I think it is. But, however that may be, it is quite certain that there is no ground for an injunction in this case, at least, in the form in which it was sought."

Before the argument, President Zacharias said in court that the Executive Committee of the United Garment Workers had passed a strike order against the garment factories. To Broadway, to go into effect late this afternoon, for making coats for Meyers & Wallach, of the association. The manufacturers who are represented probably inaugurate the great tailors strike by refusing to do any more work for the firms until the firm gives a final to the United Garment Workers, and stands up in its defense.

There was also a circular sent around to all the manufacturers regarding working hours and shop conditions.

There was an enforced quietfulness on the faces of the manufacturers and their attorneys as the letters, when they entered supreme court chambers shortly before 11 o'clock this morning.

President Zacharias had also been made a party defendant by the four firms, who were omitted by an oversight from the first injunction order granted him.

Justice Lawrence, a supplementary order from Justice Lawrence, also returnable today, was likewise in court this morning, looking over papers and legal briefs.

In addition to the immediate parties to the suit and their lawyers, there were many representative men of manufacturing interests of all kinds and labor unions of every kind in the room.

Shortly after Justice Barrett took his seat, Mr. Goff moved that the Federation of Labor be allowed to withdraw from the suit on the ground that the Federation was not in any way concerned in the circulation of boycotting notices.

The Court decided that the motion for an injunction against the Federation should be denied unconditionally.

Mr. Johnson opened the case by stating that the garment-cutters Association have a capital of \$400,000, and that their trade annually amounts to \$100,000.

Then, after lengthily sketching the history of the present lockout, he said that the alleged anti-lockout circulars sent out by the garment-cutters have the effect of injuring the trade of the Association. In proof of this, Mr. Fromme read affidavits from three firms dealing with the Association, and showing that these firms refused to have any further commercial intercourse with the Association on account of these circulars.

Lawyer Fromme replied that the who seeks equity must come into court with clean hands. Now, these manufacturers, he continued, "are out in these proceedings" by deceiving the Court. They represent themselves as innocently as possible, and the paper which he sent to the District Attorney's office in answer to the questions, and he was allowed to read it.

"You know what atrope is?" asked Mr. McNamee.

"The atrope of tetanus."

"Do you know what effects atropine would have in obscuring the symptoms of morphine poisoning?"

"I cannot say that I could."

"Have you treated a case of atropine and morphine poisoning together?"

Killed by Combined Poisons.

Mr. Brooke objected to this question, but Mr. Scollip rejected the protestation.

He continued, "state out in these proceedings" by deceiving the Court. They represent themselves as innocently as possible, and the paper which he sent to the District Attorney's office in answer to the questions, and he was allowed to read it.

The witness said that while morphine alone did not kill, atropine accelerated it when taken alone.

Morphine中毒的 pupils of the eyes while atrope dilates them, and while morphine contracts the pupils, and atropine relaxes them, and while both quantities of morphine as well as atropine can kill."

"The witness called by the defense has never had such a case, as far as he knew."

The witness said that while morphine alone did not kill, atropine accelerated it when taken alone.

Fromme then read a resolution adopted by the Manufacturers' Association, to the effect that the cutters be locked out on certain days, and that while they are thus excluded from work, they will invoke the Court to stop the arms of the cutters, while your own arm is left free to strike back upon them. It is precisely like that, the maxim applies which the who seeks equity must come into court with clean hands."

Mr. Johnson answered by stating that the affidavit read by Mr. Fromme was true.

"Do you deny that the manufacturers combined and resolved to exclude certain men from their employ?" asked Mr. Johnson.

"Mr. Johnson did not deny this."

"Well, then," said His Honor, "as far as I can see, you are trying to stop the cutters from doing that which you are yourself doing, and that which you invoke the Court to stop the arms of the cutters, while your own arm is left free to strike back upon them. It is precisely like that, the maxim applies which the who seeks equity must come into court with clean hands."

Mr. Johnson cited the decision recently rendered by Judges Rock, Taft and Billings against the Locomotive Engineers' Union.

"That does not apply to this case," said Justice Barrett, "A maxim of equity does not bind the courts."

Mr. Johnson read authorities in opposition to this view taken by the Court.

"I do not think," said the Court, "that any number of authorities would have any weight with me, as I cannot see their bearing upon this case. In fact, I know of one quite recent decision which is entirely in point and is directly opposed to the manufacturers' view of the case."

Mr. Johnson appealed to the Justice not to rely on mere technicalities in this important matter.

"If the Court," he said, "finds that the suit was wrongly brought, I shall bring it over again in the name of another member of the firm, the Thomas T. Association. And I shall bring it over and over again until I find a Judge who is willing to define law in broad enough terms to give a clear and at least equal right with a law. I shall bring it until some Judge is found who will not allow me to bring it again by a set of speculators and demagogues, who go about in the guise of friends of labor."

HEKLA NOT YET SIGHTED.

Her Agent: Expect Her at Any Moment.

No tidings have as yet been received of the overdue steamer Hekla, of the Thingvalla Line, from Christiania. Her agents, Funch, Edye & Co., are expecting momentarily to hear of her arrival.

The agents explain the cause of her delay in reaching port as being due to another accident to her machinery, which had been weakened by a former disablement. The steamer has not been supplied by any incoming vessel since the Normannia reported her on Friday last, they think, is owing to the fact that she has not gone away from the port of Christiania.

The Hekla, besides a large number of passengers, has on board the Thewaldsen statue, which is to be presented by the Danish societies to this city.

(Continued from First Page.)

fecited by his wife's illness and was much broken up," said the witness. "He was in the condition of Mrs. Buchanan's eyes."

"The pupils were normal, with the right one slightly dilated, indicating the patient had a high fever and her skin was very dry and hot. The temperature was taken and found to be 102. In opium narcotics or cocaine the temperature is always normal or subnormal. As far as I am aware of, chloral would be the most effective sedative he could not testify."

"With the degree of fever which Mrs. Buchanan was suffering, cocaine would exert a sedative power, but a moderate skin, it is not a case of opium poisoning."

There Were Opium Symptoms.

"Was there one simple symptom of opium poisoning in Mrs. Buchanan's condition as you found it on the morning of April 2d?" asked Mr. Sullivan.

"The witness replied the witness promptly,

"What was that?"

"That there was a desire to vomit, a desire to defecate, and a desire to urinate, but a moderate skin, it is not a case of opium poisoning."

"What was the desire to vomit?"

"Mrs. Buchanan's desire to vomit, the desire to defecate, and the desire to urinate, and a moderate skin, it is not a case of opium poisoning."

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